IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 16326 of 2007(R)

PETITIONER:

ASHTAMUDI RESORTS PRIVATE LTD. REGD. OFFICE CHAVARA SOUTH, KOLLAM - 84, REP. BY ITS POWER OF ATTORNEY HOLDER SRI.RAMESH SHANMUGHAM.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR

RESPONDENTS:

1. STATE OF KERALA, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPT., SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE VILLAGE OFFICER, CHAVARA, THEKKUMBHAGOM.

4. THE TAHSILDAR, KARUNAGAPPALLY.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.16326 of 2007

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Dated this the 30th day of May, 2007

J U D G M E N T

The petitioner is running a restaurant over a boat jetty constructed admittedly in Government land. The petitioner was therefore directed to demolish the restaurant by Ext.P5 notice. The petitioner is challenging Ext.P5 notice. According to the petitioner, since, under law the petitioner can apply for sanction to construct a boat jetty, he may be permitted to apply for the same and obtain sanction. I am not inclined to consider this claim since admittedly the boat jetty is constructed on *puramboke* land and admittedly the petitioner has constructed a restaurant over the boat jetty. Therefore, evidently the petitioner's intention is not to use the place as boat jetty at all. When it is admittedly a *puramboke* land, there

is nothing wrong in directing him to demolish the same. Having been appraised of this legal position, the petitioner seeks some time to demolish the restaurant by himself. I direct the 2nd respondent to give the petitioner three days' time from today to demolish the structure as mentioned in Ext.P5. If the petitioner does not demolish the structure within the said three days, respondents 2 and 3 shall take further steps in accordance with Ext.P5.

Writ petition is disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE